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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/869,900	07/06/2001	Hiroyuki Tanaka	Q65251	1270	
7590 11/03/2004		EXAMINER			
Sughrue Mion Zinn Macpeak& Seas			RAJGURU, UMAKANT K		
2100 Pennsylvania Avenue N W			ART UNIT	PAPER NUMBER	
Washington, D	C 20037-3202		1711		
			DATE MAILED: 11/03/2004	ļ	

Please find below and/or attached an Office communication concerning this application or proceeding.

-		A 1: 4: A		
		Application No.	Applicant(s)	
	Office Action Summary	09/869,900	TANAKA ET AL.	
omce Action Summary		Examiner	Art Unit	
	TI. MAU INO DATE	Umakant K. Rajguru	1711	
Period f	The MAILING DATE of this communication a or Reply	ppears on the cover sheet w	ith the correspondence addres	5S
- External control con	IORTENED STATUTORY PERIOD FOR REP MAILING DATE OF THIS COMMUNICATION ensions of time may be available under the provisions of 37 CFR 1 SIX (6) MONTHS from the mailing date of this communication. It is period for reply specified above is less than thirty (30) days, a repuly period for reply is specified above, the maximum statutory period reply within the set or extended period for reply will, by stature to reply within the set or extended period for reply will, by stature to reply within the set or extended period for reply will, by stature to reply received by the Office later than three months after the mail led patent term adjustment. See 37 CFR 1.704(b).	I. 1.136(a). In no event, however, may a reply within the statutory minimum of third d will apply and will expire SIX (6) MON	eply be timely filed y (30) days will be considered timely. THS from the mailing date of this commu	inication.
Status				
1) 🛛	Responsive to communication(s) filed on 07	May 2004		
		is action is non-final.		
	Since this application is in condition for allows	ance except for formal matter	ore proposition as to the	
,	closed in accordance with the practice under	Ex narte Ouavle, 1035 C.D.	ers, prosecution as to the me	rits is
Disposit	ion of Claims	Ex parto Quayle, 1935 C.D	. 11, 455 O.G. 213.	
	Claim(s) <u>19-34</u> is/are pending in the application			
5)	4a) Of the above claim(s) is/are withdra Claim(s) is/are allowed.	awn from consideration.		
	Claim(s) is/are rejected.			
	Claim(s) is/are objected to.			
ا_ا(٥	Claim(s) are subject to restriction and/o	or election requirement.		
Applicati	on Papers			
9)	The specification is objected to by the Examina	er.		
10)[The drawing(s) filed on is/are: a)□ acc	cepted or b) objected to b	y the Examiner.	
	Applicant may not request that any objection to the	drawing(s) be held in abeyand	ce. See 37 CFR 1.85(a)	
	Replacement drawing sheet(s) including the correct	ction is required if the drawing(s	s) is objected to. See 37 CFR 1	121(d)
11)	The oath or declaration is objected to by the E	xaminer. Note the attached	Office Action or form PTO-15	.2 (u). 52
	nder 35 U.S.C. § 119			<i>,</i>
	Acknowledgment is made of a claim for foreigr	priority under 35 U.S.C. &	119(a) (d) or (f)	
a)[☑ All b)☐ Some * c)☐ None of:	,, and of 0.0.0. 3	1 10(a)*(a) or (i).	
	1. Certified copies of the priority document	ts have been received		
	2. Certified copies of the priority document	ts have been received in An	nlication No	
	3. Copies of the certified copies of the prio	rity documents have been r	eceived in this National Stars	,
	application from the International Burea	u (PCT Rule 17 2(a))	cocived in this Mational Stage	3
* S	ee the attached detailed Office action for a list	of the certified copies not re	eceived.	
		·		
Attachment	s)			
	of References Cited (PTO-892)	4\ \bar\tau \cdot		
2) 💹 Notice	of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/	mmary (PTO-413) Mail Date	ja
3) 🔲 Inform	ation Disclosure Statement(s) (PTO-1449 or PTO/SR/08)	5) L Notice of Info	ormal Patent Application (PTO-152)	
	No(s)/Mail Date	6) Other:		
S. Patent and Tra TOL-326 (Re	4 4 4	etion Summary	Part of Paper No /Mail D	

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The amendment filed on 05/07/2004 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the newly added claims 19-34 are directed to a sealing member, which is a invention different from that of cancelled claims 1-18 (which encompassed a composition).

The inventions are distinct, each from the other because:

Invention directed to the composition and that directed to a sealing member are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as a material for coating and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

WK

James J. Seidleck
Supervisory Patent Examinor
Technology Center 1700